

48-101-502. Exemptions. —

(a) This part does not apply to:

(1) Bona fide religious institutions, educational institutions, or cooperative scholarship corporations regulated by title [49](#), chapter 4, part 1;

(2) A charitable organization which does not intend to solicit and receive and does not actually raise or receive gross contributions (total solicited revenue before any solicitation expenses have been deducted) from the public in excess of thirty thousand dollars (\$30,000) during a fiscal year; provided, that if the contributions raised from the public by any charitable organization during any fiscal year shall be in excess of thirty thousand dollars (\$30,000), the charitable organization shall, within thirty (30) days after the date it shall have received total contributions in excess of thirty thousand dollars (\$30,000), register with, and report to, the secretary of state as required by this part;

(3) Volunteer fire departments, rescue squads or local civil defense organizations;

(4) Community fairs, county fairs, district fairs and division fairs, as defined in § [43-21-104](#), that have been qualified by the commissioner of agriculture to receive state aid grants, pursuant to title [43](#), chapter 21, part 1;

(5) Political parties, candidates for federal or state office, and political action committees required to file financial information with federal or state election commissions;

(6) Hospitals that are subject to regulation by the department of health; and

(7) Any corporation established by an act of congress of the United States that is required by federal law to submit annual reports of its activities to congress containing itemized accounts of all receipts and expenditures after being fully audited by the department of defense.

(b) “Educational institution,” for the purposes of this section, means an organization organized and operated exclusively for educational purposes and which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on, and which is accredited by a recognized accrediting agency. Included in such definition are organizations composed of parents of students and other persons connected with the institution, which are organized and operated for the purpose of conducting activities in support of the operations or extracurricular activities of such institutions. “Educational institution” also includes private foundations soliciting contributions exclusively for such organizations.

(c) “Bona fide religious institutions,” for the purpose of this section, includes:

(1) Ecclesiastical or denominational organizations, churches or established physical places for worship in this state, at which nonprofit religious services and activities are regularly conducted and carried on, and also includes those bona fide religious groups which do not maintain specific places of worship and which are not subject to federal income tax and are not required to file an IRS Form 990 under any circumstance; and

(2) Such separate groups or corporations which form an integral part of those institutions which are exempt from federal income tax as exempt organizations under the provisions of § 501(c)(3), of the Internal Revenue Code of 1954, or of a corresponding section of any subsequently enacted federal revenue act, and which are not required to file an IRS Form 990 under any circumstance, and which are not primarily supported by funds solicited outside their own membership or congregation; and

(3) Such institutions soliciting contributions for the construction and maintenance of a house of worship or residence of a clergy member.

(d) Any charitable organization that claims to be exempt from the registration provisions pursuant to subdivision (a)(2) and that intends to or does solicit charitable contributions shall submit, to the secretary of state, a statement of the name, address and purpose of the organization and a statement setting forth the reason for the claim for exemption. This statement shall be on a form prescribed by the secretary of state and shall be sworn to or affirmed by the principal officer of the charitable organization. No registration fee shall be required of any exempt charitable organization.

(e) Exemption from the registration requirements of this part shall not limit the applicability of other provisions of this part to a charitable organization.

[Acts 1976, ch. 735, § 2; 1983, ch. 363, § 1; 1984, ch. 827, § 1; T.C.A., § 48-2202; Acts 1991, ch. 110, § 1; 1994, ch. 667, §§ 6-11; T.C.A., § 48-3-502; Acts 1996, ch. 907, §§ 4, 5; 2005, ch. 457, § 1; 2007, ch. 523, §§ 6-10.]

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